

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MOISES MENDEZ,

Plaintiff,

v.

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.

Defendant.
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: 08 Civ. 4967 (CM)(KNF)
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: **PLAINTIFF'S PROPOSED**
: **VOIR DIRE**
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Plaintiff Moises Mendez respectfully submits the following proposed voir dire for the purpose of jury selection:

I. Introduction

Ladies and gentlemen of the jury panel, this is a civil employment discrimination case brought by Moises Mendez ("Mr. Mendez") under federal statutes known as Section 1981 of the Civil Rights Act of 1866, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, a New York State statute known as the New York State Human Rights Law, and a New York City law known as the New York City Human Rights Law, against his current employer Starwood Hotels & Resorts Worldwide, Inc. ("Defendant" or "Starwood").

Mr. Mendez contends that he was subjected to discrimination and harassment due to his Race, Color, Ethnicity, National Origin and/or Disabilities. He also contends that he was retaliated against for complaining about discrimination and harassment. Lastly, Mr. Mendez contends that Defendant was negligent in supervising or retaining the co-workers and managers who harmed him. Defendant denies Mr. Mendez's allegations. Defendant claims that Mr. Mendez was not subjected to discrimination or harassment, that he did not

suffer severe emotional distress, and that any purported retaliatory actions were taken for legitimate non-discriminatory reasons.

II. General Questions

1. Given the nature of the allegations in this case, does anyone believe that he or she could not be a fair and impartial juror?
2. Does anyone know, or is anyone related to the Plaintiff Moises Mendez? If so, how do you know him?
3. Knowledge of Starwood Entities
 - a. Have you or anyone you know ever worked for any of the Starwood Hotel entities (Sheraton, Westin, Four Points by Sheraton, W Hotels, St. Regis, The Luxury Collection, Le Méridien , element and Aloft)?
 - b. Does that person, or do you, still work there?
 - c. If not, when and how did that person's or your employment end?
 - d. Do you have any feelings about the way that person's or your employment with Starwood ended, and if so what are those feelings?
 - e. Have you or anyone you know had any business or other relationship with any of the Starwood Entities? If so, do you have any views as a result of that relationship that would affect your ability to be a fair and impartial juror?
 - f. Have you ever stayed at a Starwood hotel? If so, do you have any views about your experience with Starwood hotels that would affect your ability to be a fair and impartial juror?
 - g. Are you a member of Starwood's preferred guest program? If so, do you have any views about your experience with Starwood hotels that would affect your ability to be a fair and impartial juror?
 - h. Have you ever read anything in the newspaper or seen anything on television, including advertisements, or on the Internet regarding Starwood that might affect your ability to be a fair and impartial juror?
5. Mr. Mendez is represented by Kenneth P. Thompson, Andrew S. Goodstadt and Ari Graff s from the law firm Thompson Wigdor & Gilly LLP. Does

anyone know or has anyone ever heard of Thompson Wigdor & Gilly LLP, Mr. Thompson, Mr. Goodstadt, Mr. Graff, or anyone else at their firm?

6. Defendant is represented by Michael Starr and Loren L. Forrest, Jr., from the law firm Holland & Knight LLP. Does anyone know or has anyone ever heard of Holand & Knight LLP, Mr. Starr, Mr. Forrest, or anyone else at their firm?
7. Have any of you read anything in the newspapers, on the Internet, or seen anything on television about this case?
8. Do any of you have any knowledge of the facts or events in, or have any interest in the outcome of this case?
9. The following is a list of potential witnesses:

SEE WITNESS LIST

- a. Do you know or have you heard of any of these individuals?
 - b. How?
 - c. Will it affect your ability to be a fair and impartial juror?
10. Have you, or any friends or family members, ever been involved in any kind of lawsuit?
 - a. What kind of lawsuit?
 - b. What types of claims were involved?
 - c. Please explain the circumstances.
 - d. Was there a trial?
 - e. Were you/they deposed?
 - f. Was the matter resolved to your/their satisfaction?
 - g. Were compensatory damages awarded for pain and suffering?
 - h. Were punitive damages awarded for pain and suffering?
 - i. Will that lawsuit have any impact on your ability to act as a fair and impartial juror?
11. Have you, or any friends or family members, been involved in any incident involving discrimination, harassment or retaliation, or alleged discrimination, harassment or retaliation, or any other unfair treatment involving race, color, ethnicity, national origin, disability, or any other type of discrimination, harassment or retaliation, regardless of whether a claim or lawsuit was brought?
 - a. Please explain the circumstances.
 - b. What was your role?
 - c. Will this experience have any impact upon your ability to act as a fair and impartial juror in this case?

12. Do any of you have any feelings, pro or con, about discrimination, harassment or retaliation cases that may enter into your decision making process when hearing about a discrimination case? Have any of you ever experienced discrimination, harassment or retaliation? Have any of you ever had allegations made against you or someone you know that you or they discriminated against, harassed or retaliated against anyone?
13. Have you, or any friends or family members, been treated differently because of complaining about discrimination or alleged discrimination or any other unfair treatment involving race, color, ethnicity, national origin, disability or any other type of discrimination or harassment, regardless of whether a claim or lawsuit was brought?
 - a. Please explain the circumstances.
 - b. What was your role?
 - c. Will this experience have any impact upon your ability to act as a fair and impartial juror in this case?
14. Do you have any feelings, pro or con, about awarding damages for emotional pain and suffering that may enter into your decision making process?
15. Do you have any feelings, pro or con, about awarding punitive damages that may enter into your decision making process?
16. Have any of you ever been a witness in a lawsuit before?
 - a. Please explain the circumstances.
 - b. Were you deposed?
 - c. For which side were you a witness?
 - d. Did you testify at trial?
 - e. Would this experience impact your ability to act as a fair and impartial juror in this case?
17. Have you ever served on a jury before?
 - a. When?
 - b. What court?
 - c. What type of case?
 - d. Did you deliberate?
 - e. To a verdict?
 - f. Did you award compensatory damages for pain and suffering?
 - g. Did you award punitive damages?
 - h. Would that experience impact your ability to act as a fair and impartial juror in this case?

18. Are there any reasons, such as a seeing or hearing impairment, or language issue, that might interfere with your ability to serve as a juror in this case?
19. Do any of you have any education or training with respect to, or experience with, human resources issues, equal employment opportunity or affirmative action?
20. Do any of you or any of your respective spouses, family or friends work at a hotel or in the food services industry?
21. Do any of you or any of your respective spouses, family or friends work hotel or in the food services industry?

III. Questions to Each Juror

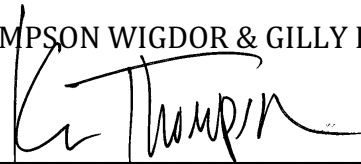
1. How old are you?
2. Where do you live?
3. How long have you lived there? (We respectfully request that the Court's inquiry provide us with the potential juror's residence for the past 10 years).
4. Are you employed? If not, how long have you been unemployed? (We respectfully request that the Court's inquiry provide us with the potential juror's employment history for the past 10 years).
5. What is your occupation?
 - a. How long were you employed at that Company?
 - b. How did your employment end?
6. What is your highest level of education? Where did you go to school?
7. Are you married? Have you been divorced and/or separated?
8. Is your spouse employed? If so, for how long? What is his/her occupation?
9. What is his/her highest level of education?
10. Have you served in the military? Has anyone in your family? Who? When?
11. Do you have children?
 - a. How many?
 - b. Are they of employment age?
 - c. What are their occupations?

- d. What is their highest level of education?
- 12. Are you now, or have you ever been, a member of any social, civic, charitable or volunteer organization(s) of any kind, either through, or outside of work?
 - a. What is the organization called?
 - b. What is its purpose?
 - c. Are you active?
 - d. Do you now, or have you ever, held an office?
 - e. How long have you belonged?
- 13. What hobbies or interests do you pursue in your free time?
- 14. Do you read for pleasure? What do you read?

Dated: New York, New York
September 25, 2009

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP



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